

SLR:BGK:MDH
F. #2012V00377

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- against -

TWO HUNDRED EIGHTY-NINE THOUSAND
EIGHT HUNDRED DOLLARS (\$289,800.00)
SEIZED FROM LUIS DAMIAN JACAS ON
NOVEMBER 17, 2011, et al.,

Defendants *in rem*.

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MELANIE D. HENDRY declares as follows:

1. I am an Assistant United States Attorney in the Eastern District of New York, of counsel to Loretta E. Lynch, United States Attorney for the Eastern District of New York, the attorney for plaintiff United States of America in this *in rem* forfeiture action. The information contained in this declaration is based upon my review of the files and records of the United States.

2. This declaration is submitted in support of the government's application for the entry of a default judgment and decree of forfeiture and order for delivery of: (1) \$289,800.00, more or less, seized from Luis Damian Jacas ("Jacas") on November 17, 2011; (2) \$2,851.51, more or less, seized from Jacas on November 17, 2011; (3) 288 bottles of wine seized from Jacas on November 17, 2011 at Wine Care Storage LLC; (4) \$10,000.00, more or less, seized from Eric R. Brahms ("Brahms") on November 17, 2011; and (5) \$8,200.00, more or less, seized from

**DECLARATION IN SUPPORT OF
APPLICATION FOR DEFAULT
JUDGMENT AND DECREE OF
FORFEITURE AND ORDER FOR
DELIVERY**

Civil Action No. 12-CV-2173 (SJ)

Elle Chong Rozan (“Rozan”) on November 17, 2011 (collectively, the “Defendant Assets”).

3. This civil forfeiture action stems from an investigation by the New York County District Attorney’s Office and United States Secret Service of a fraudulent credit card scheme. On or about May 2, 2012, a verified complaint *in rem* was filed alleging, *inter alia*, that the Defendant Assets are subject to forfeiture to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) as property constituting or derived from proceeds traceable to violations of 18 U.S.C. § 1029 (access device fraud). *See* Complaint at Dkt. # 1.

4. On or about May 11, 2012, notice pursuant to Rule G(4)(b)(i) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Actions was sent via certified mail to Jacas, Brahms, and Rozan. Postal service records show that the notices were delivered in or around May 2012. *See* Certificate of Service at Dkt. # 11.

5. In addition, notice of this action was published on an official government forfeiture website, www.forfeiture.gov, for at least 30 consecutive days, beginning on May 11, 2012 and ending on June 9, 2012. *See* Affidavit of Publication at Dkt. # 10.

6. Jacas, Brahms, Rozan, and Gael Gordon asserted claims to the Defendant Assets. They subsequently withdrew their claims with prejudice. *See* Stipulations and Orders Withdrawing Claims at Dkt. #s 31, 31-1, 31-2, 34. Upon information and belief, no person thought to have an interest in the Defendant Assets is an infant, incompetent, or is presently engaged in the military service.

7. Based upon the foregoing, the United States respectfully requests that the Court enter an order noting the default of any and all persons or entities who may have a claim or interest in the Defendant Assets, forfeiting and condemning the Defendant Assets to the United States, and directing the United States and its agents to dispose of the Defendant Assets in

accordance with applicable law.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: Brooklyn, New York
May 5, 2014

LORETTA E. LYNCH
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By: /s/
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